

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
WESTERN DIVISION**

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|-----------------------------|---|----------------------------|
| ERIC BERNARD, |) | |
| |) | |
| Plaintiff, |) | |
| |) | Case No. 3:20-cv-50413 |
| vs. |) | |
| |) | Honorable Iain D. Johnston |
| JOHN VARGA, <i>et al.</i> , |) | |
| |) | |
| Defendants. |) | |

JOINT STATUS REPORT AND MOTION TO AMEND SCHEDULING ORDER

The Parties, by and through their respective undersigned counsel, hereby move this Court for an Order amending the Scheduling Order dated November 10, 2022. In support of this Motion, the parties state as follows:

1. The current Scheduling Order (Dkt. 111) sets a fact discovery deadline of December 7, 2023. The Parties have made Rule 26(a)(1) and (a)(2)(C) disclosures pursuant to the Scheduling Order.
2. The Parties agree that additional time is needed to complete fact discovery. The Parties propose that the fact discovery deadline be extended to April 15, 2024.
3. The Parties have been engaged in written discovery and motion practice. Plaintiff has issued several subpoenas to medical providers and is still collecting the responses. Some of the medical record subpoenas require pre-payment of fees to be obtained which needs approval from the Court. Plaintiff's medical records are quite voluminous and are being reviewed.
4. Plaintiff has also issued a subpoena to the Illinois Department of Corrections ("IDOC"), a non-party to this litigation, seeking document production related to Defendant Wexford. The subpoena Court denied IDOC and Wexford's Motion to Quash on September 13, 2023 (Dkt. 177) and Plaintiff is awaiting production of responsive documents. Plaintiff has also served an additional subpoena on IDOC and Requests to Produce upon Wexford.

5. Plaintiff is also working on retaining experts in support of his claims.

6. There continue to be some discovery disputes which the Parties hope to resolve without Court intervention, but which may rise to one or more motions to compel.

7. Neither party has previously requested an extension for the discovery deadline, however, this court has previously granted a motion to stay discovery on March 13, 2022, with discovery resuming on May 27, 2022. (Dkts. 75, 84). Plaintiff and Defendants' current counsel were appointed on September 9, 2022, and March 14, 2023, respectively. (Dkts. 102, 131). Plaintiff's complaint was last amended on January 6, 2023. (Dkt. 116).

8. There are also Motions to Dismiss pending which may affect the deposition schedule. (Dkts. 154, 164). This motion is not being made for purposes of delay or any other improper purpose.

9. For these reasons, the Parties respectfully request that the Court extend the December 7, 2023, fact discovery deadline to April 15, 2024.

Respectfully Submitted,

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One of the attorneys of Plaintiff, ERIC BERNARD

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